

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 15-CR-727 (JSR)  
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:  
v. : 500 Pearl Street  
:  
JAKACKI, et al., : New York, New York  
:  
:  
Defendants. : October 29, 2015  
:  
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT  
BEFORE THE HONORABLE JAMES C. FRANCIS  
CHIEF UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: UNITED STATES ATTORNEY  
BY: SIDHARDHA KAMARAJU, ESQ.  
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For Defendant/Cybulski: JOHN RAPAWY, ESQ.  
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For Defendant/L. Jakacki: CHRISTOPHER FLOOD, ESQ.  
Federal Defenders of New York  
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For Defendant/M. Jakacki: JOHN FRANCIS KALEY, ESQ.  
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Proceedings recorded by electronic sound recording,  
transcript produced by transcription service

1 THE COURT: This is an unsealing in United States v.  
2 Lilian Jakacki, MW & W Global Enterprises, European Apothecary  
3 and Robert Cybulski. The case is assigned to Judge Rakoff.

4 THE CLERK: US v. Robert Cybulski, Marcin Jakacki  
5 and William Jakacki.

6 Counsel, please state your name for the record  
7 starting with the Government.

8 MR. KAMARAJU: Good afternoon, Your Honor. Sid  
9 Kamaraju and Louis Pellegrino on behalf of the Government, and  
10 with us at counsel's table is Special Agent James. C. Mannick  
11 from the DEA.

12 THE COURT: Good afternoon.

13 MR. RAPAWY: Appearing for Mr. Robert Cybulski, John  
14 Rapawy. Good afternoon, Your Honor.

15 THE COURT: Good afternoon.

16 MR. KALEY: Good afternoon, Your Honor. For Marcin  
17 Jakacki, John Kaley. I understand I'm going to be appointed  
18 to represent Mr. Jakacki.

19 THE COURT: Good afternoon.

20 MR. FLOOD: Your Honor, good afternoon. Christopher  
21 Flood, Federal Defenders of New York on behalf of Lilian  
22 Jakacki.

23 THE COURT: Good afternoon. Ladies and gentlemen,  
24 I'm Judge Francis. The purpose of this proceeding is to  
25 inform you of certain rights that you have, to inform you of

1 the charges against you, to consider whether counsel should be  
2 appointed for you and to decide under what conditions you  
3 should be released.

4 Can I have the time and day of arrest, please?

5 MR. KAMARAJU: Yes, Your Honor. With respect to  
6 Robert Cybulski, he was arrested yesterday at approximately  
7 7:35 p.m. Lilian Jakacki was arrested yesterday at  
8 approximately 5:20 p.m. and Marcin Jakacki was arrested  
9 yesterday at approximately 5:15 p.m.

10 [Pause in proceedings.]

11 THE COURT: Ladies and gentlemen, you have the right  
12 to remain silent. You're not required to make any statements.  
13 Even if you have made any statements to the authorities you  
14 need not make any further statements. Anything that you do  
15 say can be used against you.

16 You have the right to be released either  
17 conditionally or unconditionally pending trial unless I find  
18 that there are no conditions that would reasonably assure your  
19 presence in court and the safety of the community.

20 You have the right to be represented by counsel  
21 during all court proceedings including this one and during all  
22 questioning by the authorities. If you cannot afford an  
23 attorney I'll appoint one today to represent you.

24 [Pause in proceedings.]

25 THE COURT: Ms. Jakacki, can you raise your right

1 hand, please? Do you swear the information contained in this  
2 financial affidavit is true so help you God?

3 DEFENDANT L. JAKACKI: Yes, I do.

4 THE COURT: Mr. Flood, is there anything else you'd  
5 like to add with respect to this application?

6 MR. FLOOD: No, Your Honor, it's based on Ms.  
7 Jakacki's best estimate. We don't take a position.

8 THE COURT: Very well. I will appoint Mr. Flood to  
9 represent you for purposes of these proceedings. However,  
10 going forward it will be necessary for you to retain counsel.

11 DEFENDANT L. JAKACKI: Yes, Your Honor.

12 [Pause in proceedings.]

13 THE COURT: Mr. Jakacki, raise your right hand,  
14 please. Do you swear the information contained in this  
15 financial affidavit is true so help you God?

16 DEFENDANT M. JAKACKI: Yes.

17 THE COURT: Similarly, I will appoint Mr. Kaley to  
18 represent you only for these proceedings after which it will  
19 be necessary for you to retain counsel.

20 I note that Mr. Cybulski has retained counsel.

21 [Pause in proceedings.]

22 THE COURT: There are five counts in the indictment  
23 that charges you. Count 1 applies to all defendants and it  
24 charges conspiracy to distribute narcotics in violation of  
25 Title 21 of the United States Code Section 846. If convicted

1 on that count you would be subject to a term of imprisonment  
2 of up to 20 years, a fine of up to \$1 million and \$100 special  
3 assessment.

4 Count 3, 4 and 5 all relate to money laundering or  
5 conspiracy to commit money laundering in violation of Title 18  
6 of the United States Code Section 1956(h).

7 Ms. Jakacki is named in all three counts and Mr.  
8 Jakacki is named in Count 3. If convicted on those counts --  
9 in any of those counts you would be subject to a term of  
10 imprisonment of up to 20 years, a fine of up to \$500,000 and  
11 \$100 special assessment.

12 Count 2 charges conspiracy to commit healthcare  
13 fraud and only Ms. Jakacki is named in that count. If  
14 convicted you would be subject to a term of imprisonment of up  
15 to 10 years, a fine of up to \$250,000 and \$100 special  
16 assessment.

17 Finally, Count 6 again which charges only Ms.  
18 Jakacki charges a violation of Title 18 of the United States  
19 Code Section 371 which makes it an offense to conspire to  
20 misbrand prescription drugs. If convicted on that count you  
21 would be subject to a term of imprisonment of up to five  
22 years, a fine of up to \$250,000 and \$100 special assessment.

23 Is this on for arraignment as well as presentment?

24 MR. KAMARAJU: No, Your Honor, just for presentment.

25 THE COURT: Thank you.

1           Mr. Flood, have you had an opportunity to review the  
2 indictment with Ms. Jakacki?

3           MR. FLOOD: Yes, Your Honor, I have.

4           THE COURT: Do you waive its public reading?

5           MR. FLOOD: Yes.

6           THE COURT: Mr. Kaley, have you had an opportunity to  
7 review the complaint with Mr. Jakacki?

8           MR. KALEY: I have, Your Honor.

9           THE COURT: Do you waive its public reading?

10          MR. KALEY: Yes.

11          THE COURT: Mr. Cybulski, have you -- I'm sorry. Mr.  
12 Rapawy, have you had an opportunity to review the complaint  
13 with Mr. Cybulski?

14          MR. RAPAWY: Yes, I have.

15          THE COURT: Do you waive its public reading?

16          MR. RAPAWY: I do.

17          THE COURT: Does the Government have bail  
18 recommendations?

19          MR. KAMARAJU: Your Honor, with respect to Lilian  
20 Jakacki and Marcin Jakacki, the government would seek  
21 detention. With respect to Robert Cybulski, the Government  
22 having discussed with defense counsel would propose a bail  
23 package of \$100,000 bond, three financially responsible  
24 persons to co-sign secured by property and the standard travel  
25 conditions and the other conditions set forth by the Pretrial

1 Services Report which are surrender of all travel documents  
2 with no new applications, travel restricted to the Southern  
3 and Eastern Districts of New York, Pretrial supervision as  
4 directed, to refrain from the unlawful possession of a  
5 narcotic drug or other controlled substance, to submit to  
6 substance abuse testing and treatment as directed by Pretrial  
7 and to continue participation in any -- in any treatment  
8 program as directed by Pretrial Services. Those are reflected  
9 at Page 5 of the Pretrial Services Report.

10 THE COURT: Which I don't believe I have.

11 [Pause in proceedings.]

12 THE COURT: Mr. Kamaraju, you noted I believe three  
13 financially responsible persons.

14 MR. KAMARAJU: That's right, Your Honor.

15 THE COURT: And you said secured.

16 MR. KAMARAJU: Yes, by property.

17 THE COURT: Do we have specific property in mind?

18 MR. KAMARAJU: I'll let defense counsel proffer. We  
19 had discussed a condominium that I believe is in the name of  
20 Mr. Cybulski's girlfriend with who he has a child. Is that  
21 correct?

22 THE COURT: Mr. Rapawy?

23 MR. RAPAWY: That is correct, Your Honor. The  
24 property would be 31 Lamped Loop, Unit #3, Staten Island, New  
25 York. It's a condominium unit that's owned by Mr. Cybulski's

1 girlfriend.

2 THE COURT: Very well. On the basis of the Pretrial  
3 Services Report I'll accept that recommendation, release Mr.  
4 Cybulski on a \$100,000 personal recognizance bond co-signed by  
5 three financially responsible persons and secured by the  
6 condominium property just referred to. He shall be subject to  
7 regular Pretrial Services supervision. His travel shall be  
8 limited to the Southern and Eastern Districts of New York. He  
9 shall be subject to mental health treatment and drug testing  
10 and treatment as directed by Pretrial Services.

11 Is there anything else?

12 MR. KAMARAJU: No, Your Honor. The defendant -- the  
13 Government would just propose the defendant to be released  
14 after the financial responsible individuals can sign the bond.

15 THE COURT: And the property be posted by when?

16 MR. KAMARAJU: Within a week.

17 THE COURT: Very well. Defendant may be released on  
18 his signature and that of the three co-signers with the  
19 property to be posted by close of business on November 5th.  
20 Thank you.

21 Mr. Flood, do you wish to go forward at this time?

22 MR. FLOOD: Yes.

23 THE COURT: Mr. Kaley, do you as well?

24 MR. KALEY: Yes, Your Honor.

25 THE COURT: Very well. The Government may proceed.



1 MR. KAMARAJU: Thank you, Your Honor. If it's all  
2 right with the Court we'll begin with Ms. Jakacki.

3 THE COURT: That's fine.

4 MR. KAMARAJU: Your Honor, I think this will apply to  
5 both defendants but the Government believes that the  
6 defendant, Ms. Jakacki, poses a risk of flight in that she has  
7 the incentive to flee and the means to flee and a place to  
8 flee to.

9 Specifically with respect to the incentive, Ms  
10 Jakacki is facing a substantial amount of time based on the  
11 charges alleged. As detailed in the indictment, Count 1  
12 involves an illegal oxycodone distribution scheme in which --  
13 in excess of 500,000 pills were illegally diverted. As a  
14 basis of just that drug quantity or just based on that drug  
15 quantity Ms. Jakacki's guidelines in a criminal history  
16 category 1 would place her at a level -- offense level 38.  
17 This is just based on drug quantity which would have a  
18 guidelines range of 235 months to 293 months of imprisonment.  
19 That does not account for any enhancements such as operating a  
20 premises out of which narcotics are being trafficked.

21 In addition to facing a substantial sentence, and  
22 that's just -- to be clear, Your Honor, that's just on the  
23 drug count. That does not involve the other counts or any  
24 enhancements which may apply as a result of that.

25 In addition to the significance of the sentence, the

1 evidence as detailed in the indictment against Ms. Jakacki is  
2 staggering. It includes not only records from her own  
3 pharmacy or based on information provided from her own  
4 pharmacy but bank records, undercover buys which are recorded  
5 and on videotape and in addition I'll just note that the DA  
6 audit reports that Ms. Jakacki was unable to account for more  
7 than 400,000 pills of oxycodone herself.

8           So the evidence on the oxycodone scheme alone is  
9 overwhelming. The money laundering scheme is premised largely  
10 on bank records which -- that I will show and I'll talk more  
11 about this in a moment, Your Honor. That Ms. Jakacki together  
12 with Marcin Jakacki deposited in excess of \$400,000 in a  
13 series of structured financial transactions were caused to be  
14 deposited over the course of a several month period. So on  
15 the one hand you have the substantial sentence that she is  
16 potentially facing and the evidence against her.

17           In addition, as you look at the Pretrial Services  
18 Report Ms. Jakacki has not reported -- the information  
19 provided by Pretrial does not indicate substantial ties here  
20 to the New York area. She lives in Greenwich. She lives with  
21 her husband, who as the court is aware is also charged, and  
22 there are no children for which -- there are no children as a  
23 result of the marriage.

24           So her ties to this area are largely, at least based  
25 on the information provided in Pretrial, her husband. The two

1 of them both have the very same incentive to flee and if the  
2 Court looks at Marcin Jakacki's Pretrial Services Report he  
3 informed Pretrial that he has substantial family connections  
4 in Poland. In fact, I believe he said that other than his  
5 wife all of his family resides in Poland. So from that  
6 perspective, Your Honor, Ms. Jakacki has a place to go and she  
7 has a reason to go there and to flee.

8           Something else that I think should be noted is Ms.  
9 Jakacki reported to Pretrial Services that for I guess before  
10 2014 for approximately 19 years she worked at Showfam [Ph.]  
11 Chemist which is a pharmacy described in the indictment where  
12 she earned approximately \$149,000 annually. That's what's  
13 reported in the Pretrial Services Report.

14           During that period Ms. Jakacki and Mr. Jakacki were  
15 able to obtain based on that salary a home valued at  
16 approximately \$2 million. They were able to -- I believe it's  
17 a lease, lease a Porsche valued at \$45,000 and a Land Rover  
18 valued at least -- which I believe is also leased. A Land  
19 Rover valued at \$100,000. As detailed in the indictment, Your  
20 Honor, a significant portion of the money that went to the  
21 purchase of that home and in general to her lifestyle was  
22 driven by cash proceeds that in the Government's view were  
23 caused by the illegal oxycodone scheme which was funded by the  
24 Medicare fraud scheme described in the indictment.

25           So the Government has serious concerns as to whether

1 even any assets that she could put up for -- with respect to a  
2 bond would not be derived from a criminal source.

3           So for all of those reasons we think that she poses  
4 a flight risk. If the Court has any questions about Ms.  
5 Jakacki I'm happy to answer them. That's our position.

6           THE COURT: I'll hear from Mr. Flood.

7           MR. FLOOD: Thank you, Your Honor. Ms. Jakacki is 49  
8 years old. This is her first contact with any criminal  
9 [inaudible] whatsoever let alone the Southern District of New  
10 York, has never lived outside of this country, has lived in  
11 the New York metropolitan area her entire life, Greenwich,  
12 Connecticut and so I'm sort of stunned to hear the Government  
13 say she doesn't have substantial ties here. 49 years in this  
14 metropolitan area.

15           I really don't know what to even make of the  
16 Government's claim that -- I just -- when the Government says  
17 that the marriage has not produced any children and that  
18 should be held against Ms. Jakacki, I think the Government  
19 should be [inaudible]. That is an astoundingly unfair  
20 argument. So I ask the Court to disregard it completely.

21           The fact of the matter is this woman has a mother  
22 and sister in Brooklyn, has a sister I believe in Long Island  
23 and another sister in -- another sister in Westchester. These  
24 are close family members who are substantially tied to this  
25 community who could be relied upon to co-sign the bond. No,

1 they're not children. They're siblings and a parent.

2 She does have assets that the Court has seen that  
3 can be encumbered that could be [inaudible] that could be co-  
4 signed -- that could be put up, encumbered [inaudible] bond  
5 [inaudible] that could be available for Ms. Jakacki herself  
6 and [inaudible] for my colleague for her husband as well.

7 She's not demonstrated any kind of flight risk in  
8 the past. To say that the Government's case can be tried here  
9 in magistrate's court on a bond is to put the cart before the  
10 horse. The Government's [inaudible] the strength of its case  
11 that is something to be determined before Judge Rakoff. To  
12 detain this woman on the strength of the case alone is simply  
13 to [inaudible] strength of the case in the indictment is  
14 really to [inaudible] one single factor.

15 The Pretrial Report if you look at the last page,  
16 the second to last page assesses her risk of flight on two  
17 factors. International travel from ten years ago and  
18 possession of an expired passport which if it wasn't seized  
19 already can be turned over today. Those are the factors that  
20 Pretrial identifies and those are the only really fair factors  
21 that the Court [inaudible] consider.

22 The rest are about the allegations in the case which  
23 the Government will have ample opportunity to [inaudible]  
24 Jakacki. There's a process for that. It's not in a bond  
25 determination. She's not a risk of flight. They haven't

1 mentioned anything about danger to the community and I won't  
2 belabor [inaudible].

3           So what we propose are two co-signers [inaudible]  
4 from the adult family members she has that Pretrial has  
5 identified, a bond of whatever the Court thinks is appropriate  
6 and if the Court wants to encumber that with the property the  
7 Court knows from the Pretrial Report and the financial  
8 affidavit [inaudible].

9           THE COURT: Thank you. Mr. Kamaraju.

10           MR. KAMARAJU: Just briefly, Your Honor. One note on  
11 the property. In light of the money laundering allegations  
12 that are in the indictment, the Government has sought and  
13 received a lis pendens on that property. So it does -- which  
14 it intends to file either later today or certainly tomorrow.  
15 So I just wanted to note that for the Court.

16           With respect to the characterization of the argument  
17 as to children, I'm not going to respond to that. My point  
18 simply is that arguably Ms. Jakacki's most significant tie to  
19 this area is her co-defendant. So together they obviously  
20 would be able flee.

21           And finally, the fact that this is her first  
22 encounter with the Southern District of New York and the  
23 criminal process I think actually weighs in favor of flight  
24 given the substantial sentence that she stands to face. She's  
25 not experienced at this -- with the criminal justice system

1 and to face that level of potential sanction I believe  
2 increases the risk of flight.

3 So unless the Court has further questions --

4 THE COURT: Thanks. Anything else?

5 MR. FLOOD: If I understand the Court's argument --

6 THE COURT: It's not the Court's argument yet.

7 MR. FLOOD: I'm sorry. If I understand the  
8 Government's argument someone with a longer record would be a  
9 lesser risk of flight [inaudible].

10 THE COURT: Give me one moment.

11 [Pause in proceedings.]

12 THE COURT: On the basis of the Pretrial Services  
13 Report, the indictment and the proffers of counsel, I find  
14 that the Government has not sustained its burden of  
15 demonstrating that the defendant presents a risk of flight  
16 such that there are no conditions that would reasonably assure  
17 her return to Court nor a danger to the community such that  
18 there are no conditions that would reasonably assure the  
19 safety of the community.

20 With respect to Ms. Jakacki, the Government does  
21 benefit from the presumption on the basis of the narcotics  
22 charge and while that is significant I think it is overcome by  
23 a variety of factors. The evidence against her is strong  
24 based on the Government's proffer and I think that's a  
25 legitimate consideration. While it's not the only

1 consideration it certainly does weigh in the balance because  
2 it creates some incentive for flight. On the other hand, she  
3 does have substantial ties to the community having resided  
4 here for almost 50 years. She has extended family here and  
5 while her husband is a co-defendant obviously they have had a  
6 relationship in the community.

7           So on that basis she's released on \$1 million  
8 personal recognizance bond co-signed by five financially  
9 responsible persons and secured by the home. I understand  
10 that the Government is asserting a lien on it with respect to  
11 forfeiture but I think that it still serves a purpose with  
12 respect to acting as security on the bond.

13           Upon release the defendant shall be subject to home  
14 detention electronically monitored. She shall surrender all  
15 travel documents and not apply for new ones. She shall be  
16 subject to strict Pretrial Services supervision consistent  
17 with electronic monitoring and to the extent that she is out  
18 of the home she shall be -- her travel shall be limited to the  
19 Southern and Eastern Districts of New York and the District of  
20 Connecticut.

21           Do you want to be heard further on Mr. Jakacki or  
22 shall I hear from Mr. Kaley?

23           MR. KAMARAJU: I think all the same arguments apply.  
24 The only additional thing I would note, Your Honor, is the  
25 Pretrial Services Report points to a number of weapons that



1 Mr. Jakacki has in the house. So to the extent the Court is  
2 inclined to grant bail we would certainly ask that those --  
3 the Court consider that factor. That's all.

4 THE COURT: Thank you. Mr. Kaley.

5 MR. KALEY: Your Honor, Mr. Jakacki is 36 years old.  
6 His wife is here in court. They've been married for about  
7 five years. Just to pick up on the weapons, Your Honor,  
8 they're all lawfully owned under the laws of the State of  
9 Connecticut, has licenses for them. We'll surrender them to a  
10 local precinct or at least the Department of Connecticut when  
11 he's released.

12 [Inaudible], Your Honor. He has no prior criminal  
13 record. There seems to have been one prior arrest for  
14 possession of a knife. He was given a desk appearance ticket  
15 and the case apparently was dismissed according to  
16 [inaudible].

17 Pretrial recommends release on a bond unsecured  
18 [inaudible] secured by two financially responsible signatures.  
19 We think Pretrial has it right here on this. There's no  
20 mandatory sentence under this case. Mr. Jakacki's charged  
21 with only three counts. The narcotics charge is a D1C, has no  
22 mandatory sentence. We can fight about the rest as the case  
23 moves forward before Judge Rakoff. He's not a risk of flight.  
24 He is a citizen of Poland and has a Polish passport. If the  
25 passport hasn't already been seized by the Government we will

1 make arrangements to have it surrendered.

2           He has the same family relationships with his wife's  
3 family and they are supportive of both of them as they stand  
4 here before the Court. They maintain their innocence and the  
5 process will go forward. There's no reason that I can see,  
6 Your Honor, that he should be held in jail while this case  
7 goes forward. He has roots. He has been here in the United  
8 States for nine years. He's got legal status. He is a green  
9 card holder. He has every reason to stay here and to fight  
10 the charge and to continue his relationship with his wife.

11           Your Honor, I see no reason why the Pretrial  
12 recommendation shouldn't be adopted. If the Court is inclined  
13 to impose home detention or electronic monitoring of course we  
14 would go along with that. I'd only ask Your Honor that if you  
15 do set conditions for bail that Mr. Jakacki be given a week to  
16 get them in order so that he can be released today and I'll  
17 make arrangements for the passport to be immediately  
18 surrendered if it hasn't been and we'll make arrangements for  
19 those firearms to be turned over.

20           THE COURT: Mr. Kamaraju.

21           MR. KAMARAJU: I think the arguments that the  
22 Government advanced in the past apply full force here. The  
23 one thing we would say is to the extent Mr. Jakacki is granted  
24 bail it does not make sense to the Government for those bail  
25 conditions to be substantially different from those imposed on

1 Mrs. Jakacki given their familial relationship and the risk of  
2 flight that's at least in the Government's view equally  
3 applicable to both of them.

4           With respect to the last comment by defense counsel,  
5 the Government believes that the conditions should be met  
6 first before -- all conditions should be met before they're  
7 released to insure that -- as the Court recognized there  
8 are -- there is some risk of flight here at least to insure  
9 that that is taken into account.

10           THE COURT: Again, on the basis of the Pretrial  
11 Services Report the indictment and proffers of counsel, I find  
12 that the Government has not sustained its burden of  
13 demonstrating that the defendant presents either a risk of  
14 flight or a danger to the community.

15           The rationale is largely the same. There is on one  
16 hand somewhat diminished risk with respect to Mr. Jakacki  
17 because of the lesser charges. On the other hand, he has ties  
18 outside the United States.

19           I will release him on \$1 million personal  
20 recognizance bond again secured by the home. It may be  
21 offered as security on both bonds. The bond shall be co-  
22 signed by three financially responsible persons. Upon his  
23 release he shall be subject to home detention electronically  
24 monitored, strict Pretrial Services supervision. He shall  
25 surrender all travel documents and not apply for new ones. To

1 the extent that he's out of the home his travel shall be  
2 limited to the Southern and Eastern Districts of New York and  
3 Connecticut and he shall surrender all firearms.

4 With respect to both defendants, all conditions  
5 shall be met prior to release with the exception of the  
6 paperwork for posting the home which shall be completed by  
7 November 5th. That's a week from today.

8 Is there a conference with Judge Rakoff?

9 MR. KAMARAJU: There has not been one set yet.

10 THE COURT: Very well. Thank you all.

11 MR. FLOOD: We need to access to Ms. Jakacki's  
12 telephone to have co-signer information because they're not  
13 being released today. We understand the case agent seized  
14 that phone. I would ask the Court to direct that phone be  
15 turned over to the defense immediately so that we can meet the  
16 conditions.

17 THE COURT: I won't put it in quite those terms but I  
18 will expect that the agent and the Government will work with  
19 you to provide whatever information you need in order to  
20 access that information.

21 MR. KAMARAJU: Your Honor, I would note for the  
22 record that just this afternoon the Government obtained a  
23 search warrant for the contents of that phone.

24 THE COURT: Right.

25 MR. KAMARAJU: So assuming we can get into it.

1 Sometimes they're locked. We're happy to provide whatever  
2 contact information defense counsel wishes.

3 THE COURT: Thank you.

4 MR. FLOOD: Just one other thing, Your Honor. With  
5 regard to the property since the Government is going to be  
6 filing as indicated a lis pendens, that basically secures the  
7 property. There's no ability to finance against that property  
8 with the pendency of the lis pendens. There's no ability to  
9 transfer the property. So in order to facilitate whatever  
10 paperwork is necessary once the Government files a lis pendens  
11 that property is immobilized. Nothing can happen to it and  
12 that probably [inaudible].

13 THE COURT: Well, I'm not sure that that's enough.  
14 That simply means nothing can be done with it. It doesn't  
15 mean the Government can get it if a defendant were to flee.  
16 So I think we need a confession of judgment on the property.

17 MR. FLOOD: We'll work that out, Your Honor.

18 THE COURT: Thank you.

19 MR. KALEY: Your Honor, just one final thing. We've  
20 only been appointed for today.

21 THE COURT: Correct.

22 MR. KALEY: Will our appointment continue until we  
23 work out these bail conditions?

24 THE COURT: Yes. Thank you.

25 MR. KALEY: Thank you.

1 I certify that the foregoing is a court transcript  
2 from an electronic sound recording of the proceedings in the  
3 above-entitled matter.

A handwritten signature in black ink, appearing to read 'Shari Riemer', is positioned above a horizontal line.

6 Shari Riemer, CET-805

7 Dated: November 3, 2015

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